IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 23RD AUGUST 2006 / 1ST BHADRA 1928

Bail Appl..No. 4387 of 2006

CRIME NO.213/2006 OF KALPAKANCHERRY POLICE STATION

PETITIONER/ACCUSED

A.NAVAS, S/O.AMBADY HAMSA,
AMBADY HOUSE, PUNNATHALA P.O., VIA.VALANCHERRY,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4387/2006

DATED THIS THE 23RD DAY OF AUGUST, 2006

O R D E R

The petitioner is the sole accused, in crime No. 213/2006 of Kalpakancherry Police Station, for the offence punishable under Sections 6, 7(1) and (2) of the 'Liquified Petroleum Gas (Regulation of Supply and Distribution) order, 2000' read with Section 3(1), 7(1)(a) and (ii) of the Essential Commodities Act, 1955.

2. The allegation is that the petitioner had been found unauthorisedly filling gas, in the gas cylinders, in his premises and therefore, 41 gas cylinders and the implements for unauthorised filling of gas, were seized by the police, during the search of the premises.

3. I heard the learned counsel. The occurrence took place on 8.11.2005 at 1.45 p.m. The crime had been registered on 9.6.2006. The learned Public Prosecutor submitted that the petitioner is required for interrogation. The counsel, however, submitted that the custodial

interrogation of the petitioner, may not be necessitated.

4. After hearing both sides and considering the facts on record, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.213/2006 of Kalpakancherry Police Station, on 31.8.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the competent Court of law, as per the procedure.

5. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary. If any custody application of the petitioner is sought for by the prosecution, the same shall also be considered, before disposing the bail application.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs